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**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT APPLICATION**

Application No.: 10/065,843 Atty. Docket: BUR9-2001-0074-US1  
Applicant: Malinowski et al. Today's Date: October 30, 2003  
Filing Date: November 25, 2002 Examiner: Julio J. Maldonado  
Title: **NITRIDE ETCHSTOP FILM TO** Group Art Unit: 2823  
**PROTECT METAL-INSULATOR-METAL** Fax: 703-872-9318  
**CAPACITOR DIELECTRIC FROM**  
**DEGRADATION AND METHOD FOR MAKING SAME**

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**Response to Official Action****OFFICIAL**

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

In response to a restriction requirement dated October 9, 2003, Applicants respectfully request consideration of the claims elected. No fee is due by virtue of this election. However, if the PTO decides that a fee is due, please charge Applicants' deposit account, 09-0456.

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that, on the date shown below, this correspondence is being:	
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<input type="checkbox"/> deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant commissioner of Patents, Washington, DC 20231.	<input checked="" type="checkbox"/> transmitted by facsimile to the Patent and Trademark Office
Date: <u>10/30/2003</u>	<u>ANTHONY J. CANALE</u> Name <u>Anthony J. Canale</u> Signature

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The Examiner indicated that restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, drawn to a semiconductor device, classified in class 257, subclass 532.
- II. Claims 9-20, drawn to a method of manufacturing a semiconductor device, classified in class 438, subclass 396.


Applicants elect the claims of Group II, without traverse, directed to a method of manufacturing a semiconductor device. Thus, the claims that are readable on the elected species and variations for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable include: claims 9-20.

Also, upon the allowance of a generic claim, Applicants wish to re-open consideration of claims to additional species and variations which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

The Examiner is urged to call the undersigned at the number listed below if, in the Examiner's opinion, such a phone conference would aid in furthering the prosecution of this application.

Respectfully Submitted,

For: Malinowski et al.

By:   
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